

## REMARKS

Applicants request reconsideration of the present application in light of the previous claim amendments and the following remarks.

### Drawings

The present application was filed with formal drawings. Acceptance of these drawings by checking the appropriate box in the Notice of Allowability or the Office Action Summary is respectfully requested in the next communication from the Examiner. **This is applicants' second request for acceptance of the drawings.**

### Rejections Under 35 USC 101

Claims 29 and 30 each recite that the protein is isolated, thereby overcoming the rejections for non-statutory subject matter. Claim 31 recites a fusion protein generated by fusing (i) the peptide according to claim 29 or the protein according to claim 30 with (ii) a transcription factor, which overcome the rejection for non-statutory subject matter. Accordingly, the pending claims satisfy the requirements under 35 USC 101.

### Rejections Under 35 USC 102

Independent claims 29 and 30 now recite the transitional phrase "consist of" with respect to the isolated peptide and protein, thereby overcoming the rejections for anticipation by DNA Res. 7:131-135 (2000) (Sato) and US Patent No. 6,215,043 (Takatsuji). Claim 31 recites a novel fusion protein of a novel peptide or a novel protein, neither of which is taught in Takatsuji or Sato, which fused with a transcriptional factor. Therefore, claim 31 is novel over Takatsuji and Sato.

Dependent claims 32 to 34 relate to a gene encoding a novel peptide or novel protein, and therefore are novel over Takatsuji and Sato. Likewise, the inventions of claims 35 to 43, which depend from claims 32-34, are novel over Takatsuji and Sato.

### Rejections Under 35 USC 103

The present claims recite a peptide that is "capable of converting a transcription factor into a transcriptional repressor." Takatsuji and Sato do not suggest that, when a peptide consisting of a particular amino acid sequence is fused with a transcription factor, then the

latter is converted into a transcriptional repressor. Accordingly, the difference between the subject matter of the present invention and the prior art would not have been obvious to one of ordinary skill in the art as of the earliest priority date of the present application. Therefore, the claims meet the requirements under 35 USC 103(a).


### CONCLUSION

Applicants submit the present application is now in condition for allowance. The Examiner is invited to call the undersigned attorney to advance the prosecution of this application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By  \_\_\_\_\_

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